

**DECISION RECORD
Recreation Construction
Hells Canyon Reservoir
OR-035-03-07**

**Vale District Bureau of Land Management
Baker Field Office
Baker City, Oregon**

This decision record documents my decision to partially adopt the Hells Canyon Reservoir Recreation Construction Project as presented under the Proposed Action in Environmental Assessment (EA) OR-035-03-07. Minimally developed campgrounds will be constructed at three sites along Hells Canyon Reservoir on the Snake River. The three sites are known as Westfall, Bob Creek, and Airstrip (Thorn Flat). Copper Creek will be addressed in a future decision record.

Included in my decision are mitigation measures identified by my staff and concurred upon by the U.S. Fish and Wildlife Service (USFWS) through consultation required under Section 7 of the Endangered Species Act (ESA). The project has been surveyed for cultural resources. Any cultural sites found during construction will be avoided and as such no impacts to cultural resources will occur. The EA is tiered to and the project is within the bounds of the Baker Resource Management Plan (RMP) Record of Decision (ROD), 1989).

Public Comments Review

A public scoping letter was mailed to local and tribal governments, area landowners, recreation users, and other members of the public on June 20 and June 23, 2003 to solicit comments on the proposed project. In addition, BLM utilized the comments received from the public during development of a document published in April 2000 titled "Analysis of Management Situation and Conceptual Recreation Plan for Hells Canyon Complex" (AMS). The AMS was distributed widely asking for comments. As a result of this scoping, approximately 50 comments were received and documented that addressed the four sites involved in this Decision.

Subsequent to the preparation of the EA, a Legal Notice setting forth the EA's availability for public comments was published. During the 30-day public comment period, one comment letter was received.

This letter indicated concerns that the Project may not be consistent with management strategies and mitigation measures outlined in Idaho Power Company's (IPC) Final License Application (FLA) to the Federal Energy Regulatory Commission (FERC). BLM has been an active participant in the relicensing effort and has every intention to uphold the objectives and management needs identified by the various work groups. The proposed Project is a short term solution to existing public health and safety concerns.

While not fully implementing the measures proposed in the FLA, the proposed Project is not inconsistent or contradictory to those measures.

Decision

My decision to select Alternative 3 (proposed project), is based upon the interdisciplinary analysis contained in the Environmental Assessment #OR-035-03-07, a copy of which is attached or which may be obtained as indicated below, as well as the supporting record, field review, public comments received, and consultation with the regulatory agencies (USFWS) and the Oregon State Historic Preservation Office (SHPO).

All mitigating measures, stipulations, design features, and monitoring described in the EA and concurred upon by the regulatory agencies are incorporated into project implementation plans. Among these are:

- Sediment control
- Seeding of disturbed areas
- Noxious weed control
- Homestead Road coordination with Baker County
- Disturbance of power lines
- Protection of cultural resource by avoidance or mitigations

No comments or objections were received from SHPO or Tribes regarding the proposed recreation developments. The proposed Project would affect no sites eligible for listing on the National Register of Historic Places at three of the sites; Westfall, Bob Creek, and Airstrip.

Cultural resources have been identified at Copper Creek. A separate decision for Copper Creek will be made in the near future pending further consultation with SHPO and Tribes on potential avoidance and/or mitigation measures.

Two action alternatives and a no action alternative were considered. The no action alternative was not chosen because active management is needed to mitigate negative effects caused by current recreation use. Sanitation problems would continue to pose a public and wildlife health issue. Shoreline vegetation and riparian areas would continue to be trampled and destroyed by vehicle and camping use. Visitation is anticipated to increase over time. Without defining use areas, impacts would continue to spread without control.

The other action alternative, Alternative 2 (Development at One Site), would concentrate recreation use into one area and the three remaining sites would be closed to vehicle access. This alternative was not selected even though it addresses many of the concerns of wildlife and vegetation. It would have a negative impact on recreation resources, especially at Copper Creek and Bob Creek sites. Since there are no

available public lands suitable for recreation activities above the county road, recreation use at these two sites would become severely limited. The majority of camping sites would be walk-in only. The recreation experience at Airstrip would also change. Use would be concentrated at this site and facilities would be upgraded to a higher development level.

Rationale for the Decision

The proposed project will have no effects on Areas of Critical Environmental Concerns, Cultural Resources, Prime Farmlands, Threatened and Endangered animals, Threatened and Endangered plants, Native American Treaty Rights, hazardous wastes, Wild and Scenic Rivers, or Wilderness Areas.

There are bull trout present which are listed as threatened under the Endangered Species Act (ESA) and the area has been proposed as critical habitat designation for bull trout. The bald eagle is also designated a federally listed species and is known to occur throughout the area. The effects to these from the plan have been analyzed and mitigation measures have been adopted. This has resulted in a "may effect, not likely to adversely affect" determination. USFWS has formally concurred with this determination for the entire project.

No disproportionately high adverse human or environmental impact on minority or low-income populations or Indian tribes is likely to result from the proposed action.

This plan meets none of the criteria for significance. This action is consistent with the Baker Resource Area Resource Management Plan (1989) Record of Decision.

Appeal Rights

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, a notice of appeal must be filed in the BLM office at 3165 10th Street, Baker City, Oregon, 97814 within 30 days from the date that a notice of this decision is published in the Baker City Herald. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request), pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993), for a stay (suspension) of effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be also submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

s/ Ted Davis

July 30, 2003

Ted Davis
Acting Field Manager
Baker Field Office, Vale District BLM

Date